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POLICY

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Post: Mexico ATO

Additional Changes to Food Labeling Regulations NOM-051

Report Categories:

Retail Food Sector

Trade Policy Incident Report

Trade Policy Monitoring

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Report Highlights:

The Mexican government announced on October 26, 2010, additional changes to food labeling regulation NOM-051 titled, "General labeling and sanitary specifications for pre-packaged food and non-alcoholic beverages". The implementation date of NOM-51, including these new changes, will take effect January 1, 2011.

General Information:

Disclaimer: Below is a courtesy translation of a notice in the Diario Oficial (Official Gazette) on October 26, 2010, announcing additional changes to the revised NOM-051 titled, "General labeling and sanitary specifications for pre-packaged food and non-alcoholic beverages". In the event of a discrepancy or discrepancies between the translation and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Resolution to modify the following numerals 3.22 .22, 3.41, 4.2, 4.2.8.3.2, Table 3 from numeral 4.2.8.3.6, 4.3.1.1, 4.3.1.2 and Table 4; one subsection is added vii to the numeral 4.2.8.2.4, as well as the numerals 4.2.8.3.9 y 4.3.1.3, and section d) is eliminated from numeral 4.3.1.1 from the Mexican Official Norm **NOM-051-SCFI/SSA 1-2010**, General labeling specifications for pre-packaged food and non-alcoholic beverages – commercial and food safety information, published on April 5, 2010. Announcement released on October 26, 2010.

I. BEGIN COURTESY TRANSLATION:

Resolution to modify the following numerals 3.22 .22, 3.41, 4.2, 4.2.8.3.2, Table 3 from numeral 4.2.8.3.6, 4.3.1.1, 4.3.1.2 and Table 4; one subsection is added vii to the numeral 4.2.8.2.4, as well as the numerals 4.2.8.3.9 y 4.3.1.3, and section d) is eliminated from numeral 4.3.1.1 from the Mexican Official Norm NOM-051-SCFI/SSA 1-2010, General labeling specifications for pre-packaged food and non-alcoholic beverages – commercial and food safety information, published on April 5, 2010.

CONSIDERING

On April 5, 2010 the Federal Daily Gazette (Diario Oficial) published the Mexican Official Norm NOM-051-SCFI/SSA 1-2010, General labeling specifications for pre-packaged food and non-alcoholic beverages commercial and food safety information.

It is an obligation of the federal government to implement the regulatory instruments which facilitate consumer protection, previewing mechanisms that facilitate the expression of commercial information; The second and third paragraph of article 51 from the Metrology and Normative Federal Law allows the modification of the Mexican official norms without following a procedure for its creation, only when they do not create new requirements and procedures or new stricter specifications are incorporated;

On September 10, 2010, National Committee of Consumer Safety, Commercial Information and Trade Practices and the National Committee of Normative, Regulation and Food Safety Promotion which are coordinated by the Secretariat of Economy and the Federal Commission for Protection against Food Safety Risks approved the following modification;

The draft bill for modification was submitted to the process of regulatory improvement previewed by the Administrative Procedure Federal Law; indicating that such modification doesn't affect the already established industry, and results commercially less restrictive for the marketing of food and non alcoholic beverages, always that will favor the introduction of products from other markets, from other geographical regions, obtaining the exemption of Regulatory Impact Manifestation from the federal Commission of Regulatory Improvement of September 27, 2010.

The government general guidelines try to minimize the adverse effects that could derive from the compliance of the regulations that society requires, we had ordered the publication on the Daily Federal Gazette of the following:

Modification of the following numerals 3.22 .22, 3.41, 4.2, 4.2.8.3.2, Table 3 from numeral 4.2.8.3.6, 4.3.1.1, 4.3.1.2 and Table 4; one bullet is added vii to the numeral 4.2.8.2.4, as well as the numerals 4.2.8.3.9 y 4.3.1.3, and bullet d) is eliminated from numeral 4.3.1.1 from the Mexican Official Norm NOM-051-SCFI/SSA 1-2010, General labeling specifications for pre-packaged food and non-alcoholic beverages – commercial and food safety information, published on April 5, 2010.

Single Article.- The following numerals are modified 3.22 .22, 3.41, 4.2, 4.2.8.3.2, Table 3 from numeral 4.2.8.3.6, 4.3.1.1, 4.3.1.2 and Table 4; one bullet is added vii to the numeral 4.2.8.2.4, as well as the numerals 4.2.8.3.9 y 4.3.1.3, and bullet d) is eliminated from numeral 4.3.1.1 from the Mexican Official Norm NOM-051-SCFI/SSA 1-2010, General labeling specifications for pre-packaged food and non-alcoholic beverages – commercial and food safety information, published on April 5, 2010, to remain as a follows:

3. Definitions, symbols and abbreviations

3.22 Nutrition Information

Any description intended to inform the consumer about the nutritional properties of a food product or a pre-packaged non alcoholic beverage. It covers two aspects:

- a. The mandatory nutrient declaration
- b. The additional nutrient declaration

On the product label the term “Nutrition Facts” could be used instead of “Nutrition Information”

3.23...

3.41 Symbols and Abbreviations

Symbol	Meaning
IDR	Daily Recommended Intake
IDS	Daily Suggested Intake
kJ	Kilo joule
kcal	Kilocalories
L, l	Liter

m/m	mass/mass
mg	Milligrams
ml, mL	Milliliters
g	Grams
µg	Micrograms
%	Percent
VNR	Reference Nutritional Value
Cal	Calorie (equivalent to one kilocalorie)

4...

4.2 Except for what will be indicated in the following paragraph, the following are mandatory requirements of commercial and sanitary information.

Unless there are spices and aromatic herbs, small products where the biggest surface is less than 10 cm² these products could be exempted of the following requirements: ingredients list, use instructions, expiration date, or best before date.

4.2.1...

4.2.8.2.4 Apart from what established in numeral 4.2.8.1, the following products are exempted to include the nutrition information provided that they do not include a nutrition claim:

- i. Products that include only one ingredient,
 - ii. Herbs, spices, or a mix of both,
 - iii. Coffee extracts, coffee beans, either whole or ground, decaffeinated or not,
 - iv. Herb infusions, decaffeinated or regular tea instant soluble or not that doesn't contain added ingredients,
 - v. Fermented vinegars or substitutes,
 - vi. Bottled pure waters, or natural sparkling waters.
 - vii. The products were its biggest surface its less than 78 cm², always including a consumer telephone line or a webpage where the consumer could obtain the nutritional information, For example, "For nutrition information call 01-800 -123-4567", Nutrition Information available in (indicate the webpage or telephone number for customer service)
- In this case, the products should not include a nutrition claim on their label or publicity.

4.2.8.3...

4.2.8.3.2 The statement about the energy content (calories) must be expressed either in kJ (Kcal) or in Cal (kJ) or in kJ per 100 g o per 100 ml or by serving in packages that contain several servings or by package when this contains only one serving.

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4.2.8.3.6 The nutrition information can be presented the following way or in any other format as long as it includes all the required information according to what was indicated in Table 3:

Table 3. Presentation of the Nutrition Facts Table

Nutrition Information/Nutrition Facts	Per 100 g or 100 ml, or per serving or per package
Energy content / Calories	_____ kJ (kcal) / Cal (kJ) / kJ
Proteins	_____ g
Fat (lipids) / Total Fat	_____ g
Saturated Fat	_____ g
Carbohydrates / Total Carbohydrates	_____ g
Sugars	_____ g
Dietary Fiber	_____ g
Sodium	_____ mg
Additional Information	_____ mg, µg or % de VNR (required nutritional value)

4.2.8.3.7...

4.2.8.3.9 The usage of the following round up parameters is allowed for the expression of the nutrition information, as it corresponds to the respective nutrient:

Nutrient	Round up Parameter
Energy Content or Calories	< 5 Cal- state as 0 < 50 Cal- expressed in multiples of 5 Cal > 50 Cal- expressed in multiples of 10 Cal
Fats	< 0.5 g-state as 0 < 5 g- expressed in multiples of .5 g ≥ 5 g-round up to the following whole number
Cholesterol	< 2 mg- state as 0 2-5 mg- state as “less than 5 mg” > 5 mg- expressed in multiples of 5 mg
Sodium	< 5 mg-state as 0
Potassium	5-140 mg- expressed in multiples of 5 mg > 140 mg- expressed in multiples of 10 mg
Carbohydrates and its components	<0.5 g – state as 0
Dietary Fiber	< 1 g– state “contains less than 1 g” > 1 g round up to the following whole number
Protein	< 0.5 g–state as 0 < 1 g- state ““contains less than 1 g” > 1 g round up to the following whole number

Vitamins and Minerals	Express in Percentage of the Daily Required Intake (IDR or DRI)
	< 2% of the DRI-state 0
	≤ 10% of the DRI- expressed in multiples of 2%
	> 10%-50% of the DRI- expressed in multiples of 5%
	> 50% of the DRI- expressed in multiples of 10%

4.2.9...

4.3 Optional Requirements of Information

4.3.1.1 When its presents complementary or additional nutrition declarations, the following criteria should apply:

- a. The inclusion of one of the following nutrients doesn't force to include one of the others and its only executed if it has an assigned DRI and the amount per serving its equal or it is above the 2% referred DRI.

When the DRI is less than 2% of the amount per serving it can be declared as zero.

b) ...

c) ...

d) It has been eliminated

...

4.3.1.2 The additional nutrition information can be presented as what is presented in Table 4 or in any other format as long as it contains the required information.

4.3.1.3 It is optional to include additional nutrition information based on the daily required intake values for different populations from the Mexican, every time that this information is presented together with the information indicated in 4.3.1.1 section a) and it can be clearly distinguished. Such information can be presented according to what was indicated in Table 4 or in any other format as long as it contains the required information.

Table 4.

Nutrient /Percentage of the DRI (VNR) (Mex or Mexico)
Vitamin A _____ %
Vitamin B1 (Thiamine)_____ %
Vitamin B2 (Riboflavin)_____ %
Vitamin B6 (Piridoxine)_____ %
Vitamin B12 (Cobalamine)_____ %

Nutrient /Percentage of the DRI (VNR (Name of the Country)
Vitamin A _____ %
Vitamin B1 (Thiamine)_____ %
Vitamin B2 (Riboflavin)_____ %
Vitamin B6 (Piridoxine)_____ %
Vitamin B12 (Cobalamine)_____ %

Vitamin C (Ascorbic Acid)_____ %
 Niacin (Nicotinic Acid)_____ %
 Folic Acid (Folate)_____ %
 Iron _____ %
 ...

Vitamin C (Ascorbic Acid)_____ %
 Niacin (Nicotinic Acid)_____ %
 Folic Acid (Folate)_____ %
 Iron _____ %
 ...

4.3.2...

TRANSITORY CLAUSES

FIRST.- The present modification will be put in effect on January 1st, 2011

SECOND.- Published in accordance with article 4 of the Administrative Procedure Federal Law

Mexico D.F; on September 28, 2010.- The General Director of Norms and President of National Committee of Norms for Consumer Security, Commercial Information and Trade Practices Christian Turegano Roldan .- The Federal Commissioner for Protection Against Food Safety Risks and President of the National Committee of Norms and Regulation and Food Safety Promotion, Miguel Angel Toscano Velasco.

END COURTESY TRANSLATION.

II. For More Information

FAS/Mexico Web Site: We are available at www.mexico-usda.com or visit the FAS headquarters' home page at www.fas.usda.gov for a complete selection of FAS worldwide agricultural reporting.

FAS/Mexico YouTube Channel: Catch the latest videos of FAS Mexico at work
<http://www.youtube.com/user/ATOMexicoCity>

VI. Other Relevant Reports Submitted by FAS/Mexico:

Report Number	Subject	Date Submitted
MX0312	Update on Revised NOM-051 Labeling Requirements	10/18/10

MX0505	Mexico Revises Food Labeling Regulations	04/19/10
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VII. Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx and Mexico's equivalent to the U.S. Department of Commerce (SE) can be found at www.economia.gob.mx. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.

